



EXPEDITED PROCEDURE - EXAMINING GROUP 2672

Reconsideration
AFO
12/10/02
Cly
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John David Miller

Examiner: Thu-Thao Havan

Serial No.: 09/210,055

Group Art Unit: 2672

Filed: December 11, 1998

Docket: 884.055US1

Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY

REQUEST FOR RECONSIDERATION UNDER M.P.E.P. 706.07(c)

Box AF
Commissioner for Patents
Washington, D.C. 20231

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Phase
Order
2/12/02

Applicant has reviewed and considered the Office Action mailed on October 31, 2001. **Technology Center 2600**

Premature Final Rejection

The Office Action of October 31, 2001 is denoted as "final" and states: "As addressed below, Bier et al. and Kajiwara et al. anticipated the claims." Since none of the previous Office Actions included an anticipation rejection, this is an entirely new ground of rejection. The rejection is clearly not necessitated by amendment (claims were not amended in the last response) or by submission of an IDS. Thus, under M.P.E.P. § 706.07(a) the finality of the Office Action is premature.

Applicant respectfully requests withdrawal of the finality of the Office Action. Alternatively, if the anticipation rejection was unintended, applicant requests issuance of a new Office Action that does not include use of the word "anticipation."

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN DAVID MILLER

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2109

Date December 19, 2001

By

Danny J. Padys
Danny J. Padys
Reg. No. 35,635

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 19 day of December, 2001.

Jane E. Brockschink
Name

Jane Brockschink
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John David Miller
Title: METHOD AND APPARATUS FOR CONTROLLING IMAGE TRANSPARENCY
Docket No.: 884.055US1
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Commissioner for Patents
Washington, D.C. 20231

Technology Center 2600

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Request for Reconsideration Under M.P.E.P 706.07(c) (1 Page).

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: *Danny J. Pady's*
Atty: Danny J. Pady's
Reg. No. 35,635

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Jane E. Brockschink
Name

Jane E. Brockschink
Signature

Customer Number 21186

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(GENERAL)